

SUBEDI v. MERCHANT
Case No. 09 C 4525

**Plaintiff's Memorandum of Law in
Support of Their Motion for Class Certification**

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RAMHARI SUBEDI and ANIRUDRA GAIRE,)
individually and on behalf of all others)
similarly situated,)
Plaintiffs,) Case No. 09 C 4525
v.) Judge St. Eve
LOUISE MERCHANT; INTERNATIONAL)
H-2B/J-1 WORK & TRAVEL USA,)
CORPORATION; IWT INTERNATIONAL, INC.;)
and IWT STAFFING, INC.,)
Defendants.) Magistrate Mason

CERTIFICATION OF RAMHARI SUBEDI

Ramhari Subedi, being first duly sworn on oath, states that he has personal knowledge of the information contained in this affidavit, and if called as witness, he could competently testify as follows:

1. I am a Recruiter, as that term is defined in the Complaint. I recruit workers in Nepal to work in the United States on J-1 and/or H-2B visas.

2. I first had contact with Louise Merchant ("Merchant"), who owned and was president of International H-2B/J-1 Work & Travel USA, Corporation ("International"), in January 2008. Until March 9, 2008, my communications with Merchant were exclusively by email and telephone. In my many communications with Merchant between the first week of January 2008 and March 9, 2008, Merchant represented to me that she and International would obtain J-1 and H-2B visas for my clients in Nepal in exchange for fees from my clients.

3. Merchant's representations were also conveyed to my clients by email, together with International's 2008 Program Information referenced in the Complaint.

4. In reliance on Merchant's representations, two of my clients (identified in the Complaint), submitted, collectively, \$2,200 to me to wire to Merchant to obtain J-1 visas. On January 29, 2008, at the insistence of Merchant, I wired \$2,200 to International's PayPal account

5. On March 9, 2008, I met personally with Merchant in Nepal, at which time, Merchant repeated her representations that she would obtain J-1 and H-2B visas for my clients in Nepal in exchange for fees from my clients.

Certification of Ramhari Subedi

April 1, 2010

Page 2

6. Subsequent to March 9, 2008, I had further email and telephonic communications with Merchant, during which she repeated her representations that she and International would obtain H-2B and J-1 visas for my clients in Nepal in exchange for fees.

7. In the first week of May 2008, by telephone, Merchant requested that I recruit as many Nepalese H-2B applicants as possible and that she would obtain H-2B visas for those recruits to start working in the United States on October 1, 2008. During the first week of May 2008, Merchant emailed me International's 2008 Program Information.

8. In reliance on Merchant's representations, I recruited 111 Nepalese H-2B applicants. The applicants received International's 2008 Program Information by email and, pursuant to International's requirements, returned their applications by email. Additionally, pursuant to International's requirements, each applicant's application fee had to be wired to International. Applicants wired \$32,700 to International between May 27, 2008 and July 10, 2008. A list of the applicants I recruited that submitted fees to International is included herewith as **Exhibit A** and incorporated herein by reference. All 111 applicants were, in 2008, and are currently Nepalese citizens and residents.

9. In July 2008, Merchant advised me by email that the applicants I-797 certifications would be available between August 15, 2008 and August 30, 2008, but they were not available by that time. On September 18, 2008, Merchant advised me by email that the I-797 certifications were still not available. Merchant repeatedly assured me that the applications were being processed and the I-797 certifications were forthcoming.

10. On October 9, 2008, Merchant advised me by email that she was not able to get the I-797 certifications, because another company sold them. On October 10, 2008, the Development Director of that other company advised me by email that Merchant and/or International never paid for the I-797 certifications, which is why they did not receive them.

11. Each of the applicants I recruited received Merchant's and International's representations that International would obtain I-797 certifications and H-2B visas for them in exchange for fees. Each of the applicants I recruited submitted fees and applications to International by wire pursuant to International's requirements. None of the applicants I recruited obtained I-797 certifications or H-2B visas from International. Therefore, none of the applicants I recruited were able to obtain jobs in the United States for the October 1, 2008 period. None of the applicants I recruited has received a refund of fees wired to International.

12. Since October 9, 2008, I have diligently investigated the actions of Merchant and International and attempted to obtain refunds for me and my clients. I have spent extensive amounts of time gathering evidence related to this matter and corresponding with my clients and others around the world who have been victimized by Merchant's scheme. I have also assisted extensively in assisting my attorneys in this case in preparing pleadings and researching and

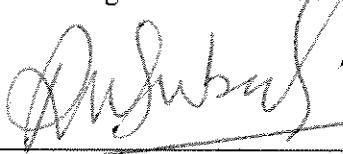
Certification of Ramhari Subedi

April 1, 2010

Page 3

investigating potential claims and responsible parties.

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Ramhari Subedi

Dated: April 1, 2010

EXHIBIT A

Last Name	First Name
Adhikari	Dhruba
Pandey	Mahendra
Nyaupane	Ramchandra
Dhakal	Raju
Adhikari	Bishow
Lamichhane	Krishnamani
Timilsina	Madhav
Lamichhane	Sudhir
Bhandari	Shovakhar
Sapkota	Moti
Dhakal	Tirtha
K.C.	Binod
Palli Magar	Dan
Marasini	Dharma
Kandel	Purushotam
Agasti	Sundar
Neupane	Yogendra
Gaire	Tulasi
Lamsal	Prakash
Khanal	Gyneshwor
Kafle	Kamal
Adhikari	Jhabi
Pokhrel	Sanjaya
Pokhrel	Binod
Gaire	Shobha
Bhattarai	Pashupati
Ale	Nirmal
Dhakal	Arjun
Shrestha	Manoj
Kandel	Bijaya
Bastakoti	Nirmal
Rimal	Kamal
Bhusal	Mohan
Dhakal	Rom
Gaire	Dasu
Aryal (Jaisi)	Chet
Pandey	Hari
Sapkota	Sagar
Sapkota	Shashi
Dharel	Balaram
Pandey(Acharya)	Tulasi
Thapaliya	Keshab
Karki	Samir
Aryal	Krishna
Subedi	Govinda
Thapa Chhetri	Shyam
Gaire	Churamani
Poudel	Saroj
Poudel	Minu
Danai	Thakur
Gaire	Anirudra

Pandey	Rajan
Bhattarai	Mohan
Bhatarai	Tika
Sapkota	Bidhan
Lamichhane	Bishnu
Gurung	Bishnu
Serchan	Bishnu
Khattri	Chandra
Belbase	Chhabi
Shrestha	Suman
Lamichhane	Dip
Acharya	Govinda
Shrestha	Hari
Ligal	Ishwor
Gurung	Kamala
Pokhrel	Khum
Acharya	Umakanta
Belbase	Narayan
Tulachan	Santosh
Aryal	Santosh
Tulachan	Sujata
Singh	Sujina
Lamichhane	Suraj
Dahal	Tek
pahari	Bishnu
paudel	Krishna
Baral	Narayan
K.C.	Raju
Shrestha	Jeevan
Chapagain	Tulasi
Tripathi	Thakur
Acharya	Shree
Gaire	Ramji
Basnet	Narandra
Pathak	Drona
Sapkota	Krishna
Pandey	Rajendra
Sapkota	Bhagi
Pandey	Prem
Tamang	Raj
Baruwal Chhetri	Krishna
Tamang	Sangit
Ghimire	Jyotindra
Sapkota	Chiranjibi
Subedi	Nirajan
Gyawali	Kamal
Thapa	Ananda
Baral	Shovakar
Ghimire	Sanjeev
Sharma	Dila
Dahal	Santosh
Baral	Rajendra

Rijal	Shalik
Dhakal	Madhab
Pakhrin Tamang	Iman
Ghimire	Sudip
Poudel	Tirtha
Dhakal	Laba
Neupane	Yogendra
Gaire	Tulasi